

REMARKS

Claims 1-12 are pending the application. Claims 4 and 8-12 have been withdrawn from consideration. Claims 1-3 and 5-7 remain in the application.

The specification has been amended to provide literal support for amended claim 1 terminology. No new matter has been added, as full support for the added language is provided at least by the drawings.

CLAIM REJECTIONS UNDER 35 U.S.C. §112

Claim 7 is rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. As such, claim 7 has been amended to positively recite the gasket as having two functional layers. A further amendment was made to clarify that at least one of the at least one leveling layer is placed on the surface of the functional layer facing away from the stopper element. Accordingly, Applicants respectfully believe the rejection to be traversed, and thus, requests that the rejection be withdrawn.

CLAIM REJECTIONS UNDER 35 U.S.C. §102

Claims 1-3 and 5-7 are rejected under 35 U.S.C. §102(b) as being anticipated by Udagawa (US 4,776,073, referred to hereafter as "Udagawa"). Applicants have amended claim 1 to further clarify patentable subject matter over Udagawa, and believe for at least the following reasons that the rejection should be withdrawn and the claims allowed.

Claim 1, as amended, recites a metal gasket with at least one functional layer having at least one through-opening, as well as at least one leveling layer that partially covers the functional layer. The leveling layer is spaced radially outwardly from the opening to provide an uncovered portion of the functional layer immediately adjacent the opening. The functional layer, in the pre-assembled, uncompressed state of the gasket, is a flat piece of metal to which is assigned, at least in the area of the through-opening, at least one profiled body through which in the assembled, compressed state of the gasket elastically deforms the functional layer to form at least one sealing area with elastic effect. The profiled body is formed by a stopper element that is radially aligned with the

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uncovered portion of the functional layer, wherein the leveling layer is placed on a surface of the functional layer that is facing away from the stopper element.

In contrast, Udagawa discloses a laminate gasket having a steel plate 20 with surface pressure regulation plates 21, 22, 23, wherein the plates 21 are situated around cylinder bores Hc, the plates 22 are situated around water holes Hw, and the plates 23 are situated around oil holes Ho. As shown in the figures, the plates 21, 22, 23 are in flush abutment with their respective holes. Further, all the layers 20, 21, 25, 26 are flush with the cylinder opening Hc (Figures 6 and 7). As such, Udagawa does not disclose or suggest providing a gasket with a leveling layer that is spaced radially outwardly from an opening of a functional layer to provide an uncovered portion of the functional layer immediately adjacent the functional layer opening. Further, Udagawa does not disclose or suggest providing the gasket with a profiled body formed by a stopper element that is radially aligned with the uncovered portion of the functional layer, wherein the leveling layer is placed on a surface of the functional layer that is facing away from the stopper element.

Accordingly, amended claim 1 is believed to define patentable subject matter and to be in proper form for allowance. Such action is respectfully requested.

Claims 2, 3 and 5-7 are dependant upon amended claim 1, and thus, are believed to define patent subject matter for at least the same reasons and to be in proper form for allowance. Such action is respectfully requested.

It is believed that this application is now in condition for allowance. Favorable action is respectfully requested.

The Patent Office is authorized to charge or refund any fee deficiency or excess to Deposit Account No. 04-1061.

Respectfully submitted,

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